

**CITY OF STORM LAKE
REGULAR COUNCIL SESSION MEETING,
CITY HALL
COUNCIL CHAMBERS
SEPTEMBER 19, 2022
5:00 PM**



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

AGENDA

Access to the official meeting can also be done through the following ways:

BY TELEPHONE:

Dial: 1-312-626-6799 or toll-free: 1-888-475-4499

Zoom Meeting ID: 933-2006-3301

BY COMPUTER:

<https://zoom.us/j/93320063301>

Open the Meeting

- **Call to Order**
- **Pledge of Allegiance**
- **Proclamation**

- A. **Consideration of Changes in Agenda and Setting the Agenda**
- B. **Disclosure by City Council Members**
- C. **Hear the Public**
- D. **Consent Agenda**
 - 1. [Consent Agenda](#)
 - 2. [Buy Local Information](#)
 - 3. [Motion to Amend the Warehouse Storage Facilities Operator Agreement with L & G Products, Inc.](#)
 - 4. [Storm Lake Police Department City Code Enforcement Update](#)
- E. **Unfinished Business**
- F. **New Business**
 - 1. [Motion to Approve 2022 Fall Clean Up Program](#)
 - 2. [Resolution No. 15-R-2022-2023 Approving Final Completion, Change Order No. 2, and Final Payment of the 2021 CIPP Sanitary Sewer Improvements Project](#)
 - 3. [Resolution No. 16-R-2022-2023 Approving Amendment No. 3 to Agreement with Bolton and Menk, Inc. for Engineering Services Related to a FEMA BRIC and HMA Grant Application 2022.](#)
 - 4. [City Council Requested Items](#)

G. Adjourn

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item please approach the podium when that agenda item is called and upon recognition by the Mayor identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda please approach the podium under the "Hear the Public" agenda item and upon recognition by the Mayor identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting including but not limited to translation services, hearing assistance, or accessibility please contact the City Clerk at least four (4) hours prior to the start of the meeting.

**If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.*

***Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.*

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Find us on the Web at <http://www.stormlake.org>

Staff Summary

09/19/2022

Agenda Item # D.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
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REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: **Consent Agenda**

BACKGROUND: The Consent Agenda Includes:

- List of Bills
- King's Pointe & Sunrise Pointe Disbursements
- September 6, 2022 City Council Minutes
- Approve New Liquor Application - Denoches Bar Dance Club
- Approve Nathaniel Kitzrow Application For Airport Commission (3 year term)
- Approve Nancy Johnson Renewal Application Civil Service Board (3 year term)
- Approve Amended Warehouse Storage Facilities Agreement
- Approve Storm Lake Police Department City Code Enforcement Update

FISCAL IMPACT: The City Will Pay The Following Expenditures:

- List of Bills: \$677,890.49
- King's Pointe & Sunrise Pointe Golf Course Bills: \$242,017.59

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

[City Claims 09/19/22 Expense Report.pdf](#)

[King's Pointe Claims 09-19-2022](#)

[09062022 City Council Minutes.pdf](#)

[09192022 - New Application Airport Commission - Nathaniel Kitzrow - 3 year term.pdf](#)

[09192022 - New Application Airport Commission - Nathaniel Kitzrow - 3 year term.pdf](#)

[Denoches Bar Dance Club Liquor Application 2022.pdf](#)



Storm Lake, IA

My Buy Local_v1

Payment Date Range: 09/08/2022 - 09/21/2022

Vendor Name	Buy Local Info	Payable Description	Total Payments
BVC			
Buena Vista County Treasurer	BVC	Property Taxes	109,639.00
Mike's Electronics Inc	BVC	Basin PLC Repairs	12,821.46
Joyce's Greenery	BVC	Spooner Sign Services- August 2022	720.00
Yards & Etc	BVC	Lawn Mowing	597.00
Mike's Electronics Inc	BVC	Well 8 Motor Repairs	157.50
Buena Vista County Recorder	BVC	August 2022 Recordings	108.00
Mike's Electronics Inc	BVC	Gate Repairs	315.00
Essential Ellison LLC	BVC	Extinguisher Testing	104.42
Mike's Electronics Inc	BVC	CG LS Repairs	190.00
Buena Vista County Solid Waste	BVC	Recycling	129.48
BVC Total:			124,781.86
Contract/Agreement			
Bolton & Menk, Inc	Contract/Agreement	Construction Services	81,922.00
Gridor Construction Inc	Contract/Agreement	Pay #6 of Memorial LS Improvements	32,870.00
Bolton & Menk, Inc	Contract/Agreement	Construction Services	67,287.50
Kevin L Gilman	Contract/Agreement	Pay #2 of Boyd Project	11,704.00
Bolton & Menk, Inc	Contract/Agreement	General Engineering Services	8,764.50
SCE, LLC	Contract/Agreement	Sewer Repairs- Baseball Fields	2,823.89
Bolton & Menk, Inc	Contract/Agreement	Geotech Services	1,271.90
Power Solutions, Inc	Contract/Agreement	Lighting Repairs	99.00
Contract/Agreement Total:			206,742.79
Local			
Growmark, Inc	Local	Fuel	15,108.34
Stanton Electric, Inc	Local	Electric Upgrades- Mini Pitch Court	9,242.65
Jim Bartholomew	Local	September 2022 Airport Contract	5,957.49
Havens & Havens	Local	Legal Services	4,000.00
Verizon Wireless Services LLC	Local	Cell Phone Service	3,510.02
Smith Concrete Service Inc	Local	Concrete	2,302.65
Siouxland Certified Testing Services, Inc	Local	4th Street Watermain Imp Testing	1,760.00
Long Lines	Local	Fax Line & Emergency Line Service	1,513.83
Central Bank	Local	Services	1,083.75
King's Pointe Resort	Local	45922- Boyd Relocation	2,080.00
Edwards Storm Lake	Local	Condensor Replacement	1,002.91
Alliant Energy	Local	Gas Services	968.20
Storm Lake Ace Hardware	Local	Supplies	951.55
Graffix Inc	Local	Uniforms	866.40
Michael P. Reinert	Local	Plates & Tubes	716.80
Storm Lake Hydraulics Co, Inc	Local	Cylinder	633.58
Graham Tire	Local	Tire Replacement	571.61
Buena Vista Regional Medical Center	Local	Physical- Taylor	517.00
Havens & Havens	Local	3rd Quarter 2022 CC Meetings	500.00
North Lake Truck Repair	Local	Service	454.23
Kiwanis Club of Storm Lake (Hy-Noon)	Local	FY2023 Membership- Navratil	375.00
Graham Tire	Local	2 Tires	348.98
A & A Automotive	Local	Battery & Service	571.48
Rent-All, Inc	Local	Lift Rental	223.00
Michael P. Reinert	Local	Supplies	202.00
O'Reilly Automotive Inc	Local	Battery	200.09
Reding's Gravel & Excavating Co., Inc	Local	Scale Fees	171.00
Buena Vista Regional Medical Center	Local	Testing Services	162.00
Reding's Gravel & Excavating Co., Inc	Local	Rock	154.28
Qwest Corporation	Local	Phone Service	137.01
Paxtons Jewelry	Local	Clock	125.00

My Buy Local_v1

Payment Date Range: 09/08/2022 - 09/21/2022

Vendor Name	Buy Local Info	Payable Description	Total Payments
Rebnord Technologies, Inc	Local	Toner	119.95
Larson Oil & Distributing Co, Inc	Local	LP	113.40
Michael P. Reinert	Local	Argon	107.00
Dennis R Julius	Local	Entrance Mat Services	101.70
Stanton Electric, Inc	Local	Site 406 Repairs	100.72
Larson Oil & Distributing Co, Inc	Local	Tank Rental	100.00
Storm Lake Hydraulics Co, Inc	Local	Hyd Hose	91.46
Michael P. Reinert	Local	C-25 Refill	88.00
Visual Edge Inc	Local	Copier Maintenance Agreement	77.99
Stanton Electric, Inc	Local	Spooner Sign Fixture Replacement	70.00
Michael P. Reinert	Local	Plates	70.00
Rent-All, Inc	Local	Skidloader with Auger Rental	68.00
McCrea Eneterprises	Local	RR Supplies	65.00
Visual Edge Inc	Local	Copier Maintenance Agreement	55.12
Dennis R Julius	Local	Laundry Services	52.05
Joyce Harry	Local	Interpretation Services	50.00
A & A Automotive	Local	Tire Repair	43.83
Michael P. Reinert	Local	Supplies	36.00
Visual Edge Inc	Local	Copier Maintenance Agreement	30.20
Fastenal Company	Local	Supplies	27.50
Visual Edge Inc	Local	Copier Maintenance Agreement	26.88
Culligan Water Storm Lake	Local	Water Supplies	25.50
Dennis R Julius	Local	Library Entrance Mats	24.00
North Lake Truck Repair	Local	Hose	18.98
Culligan Water Storm Lake	Local	Water Supplies	34.00
Fastenal Company	Local	Supplies	16.03
MidAmerican Energy Company	Local	Electric Service	10.31
		Local Total:	58,034.47
Non-Local			
Eastern Aviation Fuels, Inc	Non-Local	AV Gas	38,464.61
Surface Pro LLC	Non-Local	HS Tennis Court Resurfacing (2)	21,200.00
H-O-H Water Technology, Inc	Non-Local	Polymer	10,765.00
Mississippi Lime Company	Non-Local	Lime	27,501.63
Electric Pump Inc	Non-Local	Borger Pump Repairs	6,605.81
Iowa League of Cities	Non-Local	FY2023 Membership	5,046.00
Chem-Sult, Inc	Non-Local	Sodium Chlorite	4,004.80
Crysteel Truck Equipment, Inc	Non-Local	Lights & Switches	3,731.00
OPG-3 Inc	Non-Local	Annual License & Subscription	2,814.00
Bend Mailing Services, LLC	Non-Local	Bill Printing Services	2,510.18
Linde Inc	Non-Local	Carbon Dioxide	2,465.99
Central Iowa Televising LLC	Non-Local	Emergency Televising- Walnut St	2,272.50
Electric Pump Inc	Non-Local	Supplies	1,941.90
Cannon Moss Brygger & Associates, PC	Non-Local	Services	1,937.80
Martin Marietta Materials, Inc	Non-Local	Rock	1,631.35
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	1,470.00
GPM Environmental Solutions, LLC	Non-Local	Pump Assembly	1,401.94
Martin Marietta Materials, Inc	Non-Local	Rock	4,911.93
Environmental Products & Accessories, LLC	Non-Local	Truck Hose Assembly	1,076.87
Rice Signs LLC	Non-Local	Sign	1,023.00
Subsurface Solutions, LLC	Non-Local	Batteries	1,021.06
Stratford Gravel Inc	Non-Local	Rock	908.40
Fire Protection Publication	Non-Local	Essentials of Fire Fighting	828.00
Imagine the Possibilities, Inc	Non-Local	Janitorial Services	800.00
Brodart Co.	Non-Local	Books	764.20
Barnes & Noble Booksellers, USA Inc	Non-Local	Books	747.29
Vermeer Sales & Service, Inc	Non-Local	Cutter Tooth	714.38
Beck Engineering, Inc	Non-Local	SW Engineering Services	712.50
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	633.00
Peter Tim Petersen	Non-Local	Annual Testing & Inspection of UST	560.00
Siouxland Turf Products	Non-Local	Seed	525.00

My Buy Local_v1

Payment Date Range: 09/08/2022 - 09/21/2022

Vendor Name	Buy Local Info	Payable Description	Total Payments
Brownells, Inc	Non-Local	Magazines	441.30
Central Iowa Distributing, Inc	Non-Local	Cleaning Supplies	403.20
Boji Portable Toilets Inc	Non-Local	Portable Toilet Rental	400.00
Central Iowa Distributing, Inc	Non-Local	Cleaning Supplies	376.00
Environmental Resource Associates	Non-Local	Testing Services	338.47
University of Wisconsin Systems	Non-Local	Youth Services 101 Registration- Roland	315.00
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	313.00
Utility Equipment Co	Non-Local	Pipe	310.40
Ed M. Feld Equipment Company, Inc	Non-Local	Battery & Sensors	306.51
Treasurer of State of Iowa- Office of Public	Non-Local	Indigent Defense- 9/15/2020	296.10
Boji Portable Toilets Inc	Non-Local	Portable Toilet Rental	280.00
Northern Safety Company, Inc	Non-Local	Supplies	270.31
Brodart Co.	Non-Local	Books	237.11
Schumacher Elevator Company	Non-Local	Elevator Maintenance	229.50
NJ Criminal Interdiction LLC	Non-Local	Drug ID Training	225.00
Municipal Emergency Services, Inc	Non-Local	Sensor	222.13
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	220.50
International Association of Fire Chiefs	Non-Local	Order #000251164- Schlessler Membership	215.00
Northwest Glass, Inc	Non-Local	Lexan	213.72
Beck Engineering, Inc	Non-Local	Drainage District Engineering	206.25
ABC Pest Control, Inc	Non-Local	Quarterly Add'l Pest Control Services	190.00
W. W. Grainger, Inc	Non-Local	Hydrant Wrench	173.04
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	152.00
Brodart Co.	Non-Local	Books	126.37
UnityPoint Clinic- Occupational Medicine	Non-Local	Testing Services	126.00
Iowa Municipal Finance Officers Associatio	Non-Local	Fall 2022 Conference Registration- Gibbins	125.00
Marcus Lumber Company Corp	Non-Local	Rebar	119.90
State Library of Iowa	Non-Local	OCLC CatExpress Subscription	112.00
Brodart Co.	Non-Local	Books	109.37
Siouxland Turf Products	Non-Local	Paint	105.00
Salus LLC	Non-Local	Memberships	100.00
Ed M. Feld Equipment Company, Inc	Non-Local	Battery	99.80
Keller Plumbing, Heating, & Air LLC	Non-Local	Plugs	92.57
ABC Pest Control, Inc	Non-Local	Monthly Pest Control Services	91.00
Marcus Lumber Company Corp	Non-Local	Fasteners	82.13
Cintas First Aid & Safety	Non-Local	First Aid Supplies	79.39
Ed M. Feld Equipment Company, Inc	Non-Local	Shirt	74.00
James M. Sweeney & Associates, Inc	Non-Local	Background Checks	70.30
Midwest Tape, LLC	Non-Local	DVDs	182.91
UPS	Non-Local	Shipping	49.91
Midwest Tape, LLC	Non-Local	DVDs	135.68
Ingram Library Services, Inc	Non-Local	Books	77.00
Cintas First Aid & Safety	Non-Local	First Aid Supplies	35.22
Ingram Library Services, Inc	Non-Local	Books	27.89
Midwest Tape, LLC	Non-Local	DVDs	50.23
Ingram Library Services, Inc	Non-Local	Books	63.07
UPS	Non-Local	Late Fee	1.65
Mississippi Lime Company	Non-Local	Credit for Invoice 1628667	-7,289.85
Non-Local Total:		152,171.22	
Payroll/Refunds			
Patrick Diekman	Payroll/Refunds	FY2023 Boot Allowance	123.71
Jason Hoffman	Payroll/Refunds	Playground Safety Inspector Training	77.00
Custodian of Petty Cash	Payroll/Refunds	August 2022 Postage	23.07
Iowa District Court	Payroll/Refunds	Court Garnishment	25.00
Friends of the Library	Payroll/Refunds	August 2022 CC Transactions	9.00
Beth Ann Dawson McPherran	Payroll/Refunds	August 2022 Homebound Deliveries	8.50
Payroll/Refunds Total:		266.28	
Grand Total:		541,996.62	

King's Pointe Resort

Claims Publication

From 9/1/2022 to 9/14/2022

Vendor	Description	Amount
ACCO Unlimited Corporation	Supplies \$	2,928.40
Alliant Energy	Utilities \$	38.49
Alyssa Ruffin	Refund \$	800.00
Amazon Capital Services, Inc	Supplies \$	682.44
Andrew Bryant	Reimbursement \$	152.44
Andrew Eberhardt	Reimbursement \$	462.31
Arnold Motor Supply, LLP	Supplies \$	362.76
Authnet Gateway	Services \$	25.00
Bomgaars Supply Inc.	Supplies \$	174.93
Cintas Corporation	Supplies \$	4,103.89
City of Storm Lake- Water Dept.	Utilities \$	4,961.54
COMMLOG LLC	Supplies \$	54.58
Doll Distribution	Beverages \$	1,000.05
ECOLAB	Supplies \$	474.32
Fastenal Company	Supplies \$	182.53
Ferguson Enterprises	Supplies \$	3,116.10
Fintech	Services \$	58.35
Frigitec Inc.	Supplies \$	2,227.02
GuestSupply	Supplies \$	5,163.77
HD Supply Facilities Maintenance LTD	Supplies \$	856.33
Hermel Wholesale	Food \$	224.17
HyVee	Beverages \$	766.49
Johnson Brothers	Beverages \$	1,460.90
Josh Neilson	Refund \$	150.00
Joyce's Greenhouse	Services \$	4,640.00
Lexyl Travel Technologies LLC	Services \$	97.30
Loffredo Gardens	Food \$	869.00
Martin Brothers	Beverages \$	9,512.06
Mediacom	Utilities \$	482.90
MidAmerican Energy	Utilities \$	22,228.60
Midwestern Mechanical	Services \$	4,766.50
Office Elements	Supplies \$	97.30
Pepsi Beverages Company	Beverages \$	3,110.39
Pitney Bowes	Supplies \$	238.50
Plumbing and Heating Wholesale, Inc.	Supplies \$	3,304.47
Power Solutions Inc.	Services \$	427.61
Quore Systems, LLC	Services \$	570.00
Rent-All Inc.	Services \$	1,077.00
Scotty Roxtar	Refund \$	150.00
Sean Beebe	Refund \$	800.00
SHIFT 4	Services \$	15,633.38
Steve's Window Service	Services \$	235.00

Storm Lake Ace Hardware	Supplies	\$	340.70
Symmetry Energy Solutions LLC	Services	\$	10,681.00
Sysco Iowa, Inc.	Food	\$	24,137.78
TY Inc.	Supplies	\$	1,288.29
Verizon Wireless	Utilities	\$	272.46
Wiese Plumbing & Heating Inc	Services	\$	675.00
W-O Payroll 9/1/2022	Payroll	\$	105,955.54
			\$ 242,017.59

**CITY OF STORM LAKE CITY HALL COUNCIL CHAMBERS REGULAR COUNCIL
SESSION MEETING, SEPTEMBER 6, 2022, 5:00 PM**

Present: Mayor Michael Porsch, Council Members Maggie Martinez, Matthew Ricklefs, Tyson Rice, Kevin McKinney and Maria Ramos (via telephone). Absent: None.

Staff present: City Manager Keri Navratil, Assistant City Manager David Derragon, City Attorney Phil Havens, Police Chief Chris Cole, Fire Chief Glenn Schlessler, King's Pointe Manager Amy Von Bank (via zoom), Public Works Director Matt Beckman, Building and Code Compliance Director Scott Oleson, Library Director Elizabeth Huff, Development Services Specialist Lee Dutfield, Communications Coordinator Dana Larsen, Public Services Supervisor Scott Bonebrake, Assistant Public Services Supervisor Brandon Ripke, Finance Director Brian Oakleaf, City Clerk Mayra Martinez, and Deputy City Clerk Nelda Kirkholm.

Media Present: Tom Cullen with The Storm Lake Times Pilot, Ryan Thompson with KAYL Radio.

Mayor Porsch called the meeting to order at 5:00 pm.

Pledge of Allegiance

Agenda - Moved by Council Member Ricklefs to approve setting the agenda. Seconded by Council Member Martinez. Vote: All ayes. Motion carried.

Disclosure by City Council Members - No items at this time.

Hear the Public – No comments from the public. Mayor Porsch read two proclamations. The first proclamation is for National Clean Energy Week proclaiming September 26th to September 30th, 2022, as National Clean Energy Week in Storm Lake, Iowa. The second proclamation is for Water and Wastewater Workers of Iowa Week proclaiming August 21, 2022, to August 27, 2022, as Water and Wastewater Workers of Iowa Week in Storm Lake, Iowa. Mayor Porsch thanked all of the employees of the City of Storm Lake that work at the Water and Wastewater plants for all of the work that they do for the City.

Consent Agenda - Moved by Council Member McKinney to approve the Consent Agenda, list of bills Check #'s 76747, 77956, 78106, 78817 through 78882, EFT #'s 919, 3284 through 3324, DFT #'s 1648 through 1671, King's Pointe and Sunrise Pointe disbursements, approve the August 15, 2022 City Council minutes, acknowledge the July 2022 Library and Airport minutes, approve renewal liquor licenses for Pro Day Spa, MMS at Buena Vista College, new Liquor license for May Flower Asian Grocery, approve Miguel Vasquez application for Storm Water Board (3 year term) , approve Easement agreement with Pinnacle Farms LLC – West 6th Street project, and approve SLPD City Code Enforcement update. Seconded by Council Member Martinez. Vote: All ayes. Motion carried.

Unfinished Business – No items at this time.

228 Mae Street - Moved by Council Member McKinney to approve the purchase agreement of 228 Mae Street. Seconded by Council Member Martinez. Vote: Ayes: Council Members McKinney, Ricklefs, Martinez, and Ramos. Nays: Council Member Rice. Motion carried.

Radio Park Lift Station Project - Moved by Council Member Ramos to adopt Resolution No. 10-R-2022-2023 approving Change Order No. 4 for the Radio Park Lift Station project. Seconded by Council Member Ricklefs. Roll call vote: All ayes. Motion carried.

RESOLUTION NO. 10-R-2022-2023

**RESOLUTION ADOPTING CHANGE ORDER NO. 4 FOR THE
RADIO PARK LIFT STATION PROJECT**

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the Radio Park Lift Station Project; and

WHEREAS, notice of hearing on plans, specifications, form of contract and estimate of cost for said public improvements was published as required by law; and

WHEREAS, a contract in the amount of \$494,028.00 was awarded to Christiansen Construction, Inc. for the project; and

WHEREAS, Change Order No. 1, approved on June 21, 2021, decreased the project cost in the amount of \$1,245.08 for a total contract amount of \$492,782.92.

WHEREAS, Change Order No. 2, approved on December 6, 2021, increased the project cost in the amount of \$1,356.76 to the contract for a total contact amount of \$494,139.68.

WHEREAS, Change Order No. 3 extended the substantial completion to September 1, 2022, of the contract for work performed by Christiansen Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. To approve Change Order No. 4 to increase the project cost in the amount of \$1,516.68 to the contract for a total contact amount of \$495,656.36 and extend the substantial completion to September 16, 2022, of the contract for work performed by Christiansen Construction, Inc.

Section 2. That the Mayor and Clerk are hereby directed to execute this Change Order No. 4.

PASSED AND APPROVED this 6th day of September 2022.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

West 6th Street Utility Extension Project - Mayor Porsch opened the public hearing for plans, specifications, form of contract and engineer's estimate for the West 6th Street Utility Extension project stating this was the time and place for any comments. Receiving no comments from City Council or the public, the Mayor closed the public hearing.

Moved by Council Member McKinney to adopt Resolution No. 11-2022-2023 approving plans, specifications, form of contract and engineer's estimate for the 6th Street Utility extension project. Seconded by Council Member Martinez. Roll call vote: All ayes. Motion carried.

RESOLUTION NO. 11-R-2022-2023

RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE 6TH STREET UTILITY EXTENSION PROJECT

WHEREAS, the plans, specifications, form of contract, and estimate of cost were filed with the CITY for the construction of certain public improvements described in general as 6th Street Utility Extension Project; and

WHEREAS, the City of Storm Lake has published notice of a public hearing on the plans, specifications, form of contract, and cost estimate for the project; and,

WHEREAS, the City of Storm Lake has held a public hearing at their regular City Council meeting on September 6, 2022, prior to consideration of this resolution; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

SECTION 1. That the plans, specifications, form of contract, and cost estimate are hereby approved as the plans, specifications, form of contract, and cost estimate for the 6th Street Utility Extension Project .

PASSED AND APPROVED ON THIS 6TH DAY OF SEPTEMBER 2022 BY THE STORM LAKE CITY COUNCIL.

Michael Porsch, Mayor

ATTEST

Mayra A. Martinez, City Clerk

Moved by Council Member Ricklefs to adopt Resolution No. 12-R-2022-2023 approving bid and awarding contract to Empire Excavation for the West 6th Street Utilities Extension project. Seconded by Council Member Rice. Roll call vote: All ayes. Motion carried.

RESOLUTION NO. 12-R-2022-2023

**RESOLUTION ACCEPTING THE BIDS AND AWARD CONTRACT FOR THE 6TH STREET
UTILITY EXTENSION PROJECT**

WHEREAS, the plans, specifications, form of contract, and estimate of cost were filed with the CITY for the construction of certain public improvements described in general as 6th Street Utility Extension Project; and

WHEREAS, the City of Storm Lake has published notice of a public hearing on the plans, specifications, form of contract, and cost estimate for the project; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

SECTION 1. That the following bid for the construction of certain public improvements described in general as the 6th Street Utility Extension Project, is hereby accepted, the same being the lowest responsible bid received for said work, as follows:

Contractor: Empire Excavation
Amount of bid: \$228,818
Portion of bid: All

Section 3. That the Mayor and Clerk are hereby directed to execute contract with the contractor for the construction of said public improvements, said contract to be binding on the City, contingent to obtaining all the required concurrences and consents.

PASSED AND APPROVED ON THIS 6TH DAY OF SEPTEMBER 2022 BY THE STORM LAKE CITY COUNCIL.

Michael Porsch, Mayor

ATTEST

Mayra A. Martinez, City Clerk

FEMA BRIC Grant - Moved by Council Member Ramos to adopt Resolution No. 13-R-2022-2023 approving amendment No. 2 to an agreement with Local Government Professional Services for grant writing and grant administration services related to a FEMA BRIC application 2022. Seconded by Council Member McKinney. Roll call vote: All ayes. Motion carried.

RESOLUTION NO. 13-R-2022-2023

**A RESOLUTION APPROVING AMENDMENT NO. 2 TO AN AGREEMENT WITH LOCAL
GOVERNMENT PROFESSIONAL SERVICES FOR GRANT WRITING AND GRANT
ADMINISTRATION SERVICES RELATED TO A FEMA BRIC APPLICATION 2022**

WHEREAS, the City of Storm Lake has entered into a grant writing and administration agreement dated August 2, 2021, for assistance in developing an application for a FEMA BRIC application in 2021, and,

WHEREAS, the City was not successful in the national FEMA BRIC process in 2021 for a drought mitigation project; and,

WHEREAS, the City desires to make a second application for a drought mitigation project in the 2022 FEMA BRIC Application program; and,

WHEREAS, the City desires to have professional assistance in the process of writing and administering the application, if awarded, and has selected, following a competitive process for selection of a grant writer, the firm of Local Government Professional Services, DBA Simmering-Cory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

SECTION 1. The City Council hereby approves the proposed Amendment No. 2 to the August 2, 2022, development agreement.

SECTION 2. The City Council hereby authorizes the Mayor to sign Amendment No. 2.

PASSED AND APPROVED this 6TH day of SEPTEMBER 2022.

BY THE CITY COUNCIL OF THE
CITY OF STORM LAKE

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Storm Lake Library CDBG – COVID (CV) Funding Grant - Moved by Council Member Martinez to adopt Resolution No. 14-R-2022-2023 approving Change Order No. 1 for the Storm Lake Library HVAC Renovation project. Seconded by Council Member Ramos. Roll call vote: All ayes. Motion carried.

RESOLUTION NO. 14-R-2022-2023

RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE STORM LAKE LIBRARY HVAC PROJECT

WHEREAS, the City of Storm Lake, Iowa has heretofore entered into a contract with Woodruff Construction of Fort Dodge, Iowa, for the Storm Lake Library HVAC Project; and

WHEREAS, due to delays in obtaining materials the contractor on the project is requesting an extension to the contract for the completion date of the project; and

WHEREAS, the City has consulted with the project architect and has agreed that the request for additional time to complete the work as proposed by Woodruff Construction is justified; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. That the contract with Woodruff Construction, of Fort Dodge, Iowa be amended as outlined in Change Order No. 1 by changing the project completion date to April 28, 2023, an increase of 43 days.

Section 2. That the contract with Woodruff Construction, of Fort Dodge, Iowa be amended as outlined in Change Order No. 1 which does not increase the cost of the contract.

Section 3. The Mayor is hereby authorized to sign Change Order No. 1 on behalf of the City of Storm Lake.

Section 4. Change Order No. 1 is hereby accepted and approved by the City of Storm Lake.

PASSED AND APPROVED THIS 6TH DAY OF SEPTEMBER 2022.

Michael Porsch, Mayor

ATTEST

Mayra A. Martinez, City Clerk

City Council Requested Items – No items at this time from Council members.

Mayor Porsch invited everyone to the first annual Multicultural Event and the dedication of the Mini-Pitch Soccer facility at Chautauqua Park this Sunday, September 11th, 2022.

City Manager Navratil asked the Council if they would approve moving the work session from September 19, 2022, to October 3, 2022, for the discussion over allowing pets at public events. Council approved moving the work session to October 3rd, 2022.

Adjourn - Moved by Council Member Ramos to adjourn at 5:29 pm. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

Boards & Commissions Application

09/06/2022 3:08 PM (EDT)



First Name	Nathaniel
Last Name	Kitzrow
Street Address	203 W 1st St
City	Storm Lake
State	Iowa
Zip Code	50588-2411
Phone Number	2624429528
Email	secondsith@yahoo.com
How many years have you lived in Storm Lake	8
List any volunteer/civic/community activity in which you have been involved:	Storm Lake Youth Baseball Coach, Storm Lake Youth Baseball Board (upcoming position), Dollars For Scholars, Star Spangled Spectacular
Occupation	CAD Designer
Employer	Mead & Hunt
Please check the following City board or commission to which you would like to be appointed:	Airport Commission
Why do you want to serve on this board or commission?	I have been working in the airport planning and design field for almost 8 years and I feel I could be a good addition to the group. I primarily work on reliever/local airport projects that are based in smaller communities like ours. It would also be interesting to gain a different perspective on locally owned airports.
Do you live outside city limits?	No

In accordance with Iowa Code Chapter 362 the City must determine what relationships or transactions you may have or potentially have with the City of Storm Lake prior to your appointment to a Board or Commission. In order to do this, we must ask you to answer the following questions.

Do you or any immediate family member own or are part owners of a business doing business with the City of Storm Lake? No

Are you employed by any business doing business with the City of storm Lake? No

Is your salary/bonus determined by financial performance of the company or do you receive a commission? No

I certify that all answers are correct and true.

File(s) attached:



Date 09/06/2022

"Appointment to City Boards and Commissions are made by the Storm Lake Mayor and confirmed by the City Council."

Thank you for providing this information. After clicking 'Submit' you will receive a Submission ID number that can be retained for future reference.

You will be updated by our staff, if necessary, as your submission is processed.

Have a great day!

Boards & Commissions Application

09/06/2022 3:08 PM (EDT)



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Last Name	Kitzrow
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Date 09/06/2022

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Have a great day!



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY

DENOCHÉ'S BAR DANCE CLUB,
L.L.C.

NAME OF BUSINESS(DBA)

Denoches Bar Dance Club

BUSINESS

(712) 730-8069

ADDRESS OF PREMISES

525 Erie St

PREMISES SUITE/APT NUMBER

CITY

Storm Lake

COUNTY

Buena Vista

ZIP

50588

MAILING ADDRESS

1517 Hyland Drive

CITY

Storm Lake

STATE

Iowa

ZIP

50588

Contact Person

NAME

Evelia Saragoza

PHONE

(712) 730-8069

EMAIL

eveliag813@gmail.com

License Information

LICENSE NUMBER

LICENSE/PERMIT TYPE

Class C Liquor License

TERM

12 Month

STATUS

Pending
Dramshop
Review

EFFECTIVE DATE

EXPIRATION DATE

LAST DAY OF BUSINESS

SUB-PERMIT

Class C Liquor License

PRIVILEGES



State of Iowa

Alcoholic Beverages Division

Status of Business

BUSINESS TYPE

Limited Liability Company

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Evelia Saragoza	Storm Lake	Iowa	50588	owner	100.00	Yes

Insurance Company Information

INSURANCE COMPANY

Badger Mutual Insurance
Company

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE
DATE

OUTDOOR SERVICE EXPIRATION
DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE
DATE

TEMP TRANSFER EXPIRATION
DATE

Staff Summary

09/19/2022

Agenda Item # D.2.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO:

FROM: Mayra Martinez City Clerk

SUBJECT: Buy Local Information

BACKGROUND:

Early in 2011 during a Study Session discussion Council asked staff to look at putting together some analysis information regarding the amount of purchases made locally. We have pulled that information together and a provided a summary of purchases identified in the current list of bills to be approved that are purchased locally (within the City of Storm Lake), within Buena Vista County, and outside of Buena Vista County are presented here for Council's review. This information is presented for for both the City and King's Pointe's bills. As the reader reviews the information they should note the following key notes: Costs associated with any major capital project (those bid under the State of Iowa Bid Law) are excluded from the calculation Costs associated with travel is excluded from the calculation and % Costs associated with payroll is excluded from the calculation and % In some cases there is only one vendor or an item is only available from vendors outside of the City limits and/or Buena Vista County – we have not identified these Some departments have fairly minor budgets and a major purchase can skew the % and or amount for a given review period (For Example: the Airport may have normally \$4,000 - \$6,000 in expenses until they purchase Jet Fuel or Av Gas which can be \$10,000 + and as a vendor who is not local this can skew the information for that review period) Local has been determined to be has an office front in the area and based on where the office front is located for local vs. BV County (For Example: Wal-Mart is considered local since they have a store in Storm Lake even though their headquarters is not located here) As with all analytical data it is possible to interpret the numbers in a variety of ways and as we move forward we would be happy to provide further detail and or revise the way in which we show the data. Likewise if you have any questions or concerns please don't hesitate to contact city staff.

FISCAL IMPACT:

BREAKOUT CALCULATED EXPENSES:

• Buena Vista County:	\$124,781.86
• Contract/Agreement:	\$206,742.79
• Local:	\$ 58,034.47
• Non-Local	\$152,171.22
• Payroll/Refunds/Payroll Tax & Ins:	\$136,160.15
• TOTAL EXPENSES:	\$ 677,890.49

RECOMMENDATION: Review Buy Local Information

ATTACHMENTS:

[9.19.2022 Project Report.pdf](#)

Summary

Project Summary							
Project Number	Project Name	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
01112-0019	WasteWater Treatment Facility Wetlan...	1,173,565.00	0.00	1,170,187.96	0.00	1,170,187.96	3,377.04
01112-0020	10th & Ontario StormWater Improvem...	1,753,734.33	0.00	1,752,412.45	0.00	1,752,412.45	1,321.88
01112-0021	4th & Oats StormWater Improvements	832,997.63	0.00	833,347.35	0.00	833,347.35	-349.72
OP1.122814	Richland Street, Phase 2 Improvements	174,107.75	174,107.75	174,095.25	0.00	174,095.25	12.50
OP1.124529	2021 Fiber Optic System Improvement	1,587,629.80	1,587,629.80	1,283,931.34	13,582.00	1,297,513.34	290,116.46
OP1.124889	2021 Cabin Construction	3,300.00	3,300.00	1,855.00	0.00	1,855.00	1,445.00
OP1.125106	BRIC	7,998,189.49	7,998,189.49	106,516.49	0.00	106,516.49	7,891,673.00
OP1.126252	Comprehansive Plan & Zoning Code Up...	125,880.00	125,880.00	47,269.50	25,093.00	72,362.50	53,517.50
16-19284	4th & Bartion Storm Water Improvemen...	760,113.88	0.00	757,662.80	0.00	757,662.80	2,451.08
19-22797	Memorial Lift Station Improvements	2,533,320.00	877.16	2,402,295.21	32,870.00	2,435,165.21	98,154.79
20-23848	Storm Lake WTP- Electrical MCC Replac...	268,494.81	0.00	285,519.75	0.00	285,519.75	-17,024.94
20-24387	Radio Park Lift Station Replacement	570,156.36	570,156.36	437,773.24	0.00	437,773.24	132,383.12
20-HSG-022	2021 Housing Sustainability Project	224,994.00	224,994.00	122,550.12	13,784.00	136,334.12	88,659.88
21-26215	Downtown Master Plan	113,000.00	113,000.00	56,500.00	0.00	56,500.00	56,500.00
22-26698	Storm Lake WTP- Well No. 21	199,028.00	199,028.00	73,859.00	0.00	73,859.00	125,169.00
22-26815	W 6th Street Utilities Extension	304,318.00	304,318.00	42,000.00	0.00	42,000.00	262,318.00
35665	1st & Mae Street	764,059.53	0.00	762,737.66	0.00	762,737.66	1,321.87
8406	7th & Geneseo St Sanitary Sewer Impro...	410,306.35	0.00	408,984.48	0.00	408,984.48	1,321.87
IA0091	SL Elevated Water Storage- Tower #5	541,762.00	541,762.00	12,850.77	0.00	12,850.77	528,911.23
New	Lead Service Line Replacement Prelim E...	15,500.00	15,500.00	0.00	0.00	0.00	15,500.00
OP1.125220	4th Street Watermain Improvement Pro...	457,037.00	457,037.00	151,658.60	28,612.50	180,271.10	276,765.90
P11.112742	North Central SW Phase II	1,854,441.25	0.00	1,853,147.38	0.00	1,853,147.38	1,293.87
P11.118940	Oneida Street Reconstruction from RR t...	2,590,080.20	5,176.36	2,478,342.38	1,271.90	2,479,614.28	110,465.92
P11.120411	Highway 7/110 Traffic Lane/Signalization	4,603,260.85	115,081.53	2,394,496.49	81,922.00	2,476,418.49	2,126,842.36
P11.120478	Tulip Lane SW Improvements	443,607.50	8,369.96	440,789.42	0.00	440,789.42	2,818.08
P11.120650	2020 Expansion Blvd Improvements	1,169,938.10	1,295.87	1,168,724.60	0.00	1,168,724.60	1,213.50
P11.122266	7th Street Sewer Lining/2021 CIPP	514,861.25	514,861.25	485,364.15	0.00	485,364.15	29,497.10
SP21122	SL Library CDBG- COVID (CV) Grant	684,680.00	684,680.00	54,211.57	1,937.80	56,149.37	628,530.63
T51.119823	Runway 13/31 & Taxiway Lighting	459,190.70	0.00	459,190.70	0.00	459,190.70	0.00
Report Total:		33,131,553.78	13,645,244.53	20,218,273.66	199,073.20	20,417,346.86	12,714,206.92

Group Summary						
Group	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
Airport Projects	459,190.70	0.00	459,190.70	0.00	459,190.70	0.00
ARPA Project	541,762.00	541,762.00	12,850.77	0.00	12,850.77	528,911.23
Building Resilient Infrastructure and Co...	7,998,189.49	7,998,189.49	106,516.49	0.00	106,516.49	7,891,673.00
Economic Development	771,492.00	771,492.00	270,174.62	38,877.00	309,051.62	462,440.38
Library Project	684,680.00	684,680.00	54,211.57	1,937.80	56,149.37	628,530.63
National Resiliency Disaster Grant Proje...	8,507,686.72	523,231.21	8,464,633.65	0.00	8,464,633.65	43,053.07

Staff Summary

09/19/2022

Agenda Item # D.3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Brian Oakleaf Finance Director

SUBJECT: **Motion to Amend the Warehouse Storage Facilities Operator Agreement with L & G Products, Inc.**

BACKGROUND:

Following the City's departure from operations of the Storm Lake Marina, the DNR decided not to use the facility for offseason storage options. As an alternative, the City entered into a contract with L & G Products, Inc. to offer storage at the two city-owned buildings on Gold Wing Drive. That agreement would end on December 31st. The intent was to give the DNR time to work with other parties to resume providing storage, docks and hoists at the Storm Lake Marina.

This amendment would simply extent the Agreement until May 31st, 2023, giving additional time to transition as there is no storage, docks or hoists available for the foreseeable future at the Storm Lake Marina and no timeline has been communicated. There is no planned use of the facilities or negative impact of extending this use.

FISCAL IMPACT: This amendment would not change the fiscal impact of the signed agreement.

RECOMMENDATION: Pass Motion to Amend the Warehouse Storage Facilities Operator Agreement with L & G Products, Inc.

ATTACHMENTS:

[09192022 - Warehouse Facilities - Boat Storage AMENDMENT 9-19-2022.pdf](#)

AMENDMENT TO AGREEMENT FOR STORAGE SERVICES WAREHOUSE STORAGE FACILITIES

This amendment to the agreement for operation services is made this 19th day of September, 2022, between the City of Storm Lake, Iowa (the "City") and L & G Products, Inc. (the "Operator").

Recitals

The City entered into an agreement with L & G Products commencing on October 4, 2021 to operate the Boat Storage Services at the Warehouse Storage Buildings, extended by amendment to July 1, 2022. On June 20th, 2022, that Agreement was again extended to December 31st, 2022 with an additional renewal provision.

The City and Operator desire to exercise that provision and amend the Section 2.1 agreement to extend the Agreement ending date to May 31st, 2023. All other provisions in the agreement remain in effect.

In consideration of the mutual covenants, promises, and agreements herein contained, the City and Operator agree as follows:

ARTICLE 2 TERM OF AGREEMENT

Previous

- 2.1 Term. Except as otherwise provided herein, this Agreement will commence October 4, 2021, and terminate July 1, 2022. The Operator will pay 25% of all rental income for the term of agreement payable at the midpoint of the term of the agreement.

Amended

Term. Except as otherwise provided herein, this Agreement will commence October 4, 2021, and continue for a term ending May 31st, 2023. This Agreement shall automatically renew for an additional 6 month period unless terminated by either party pursuant to the terms of this Agreement. The Operator will pay 25% of all rental income for the term of agreement payable at the midpoint of the term of the agreement.

CITY OF STORM LAKE, IOWA

By: _____

Date: _____

Mayor

ATTEST:

Deputy City Clerk

OPERATOR

By: _____

Date: _____

Staff Summary

09/19/2022

Agenda Item # D.4.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council
FROM: Chris Cole Police Chief
SUBJECT: Storm Lake Police Department City Code Enforcement Update

BACKGROUND: 9/1/2022 TO 9/14/2022

Tall Grass and Weeds – 41

Accumulate Junk – 11

Parking Restricted to hard surfaces – 2

Grass Clippings in Street – 3

Accumulate Trash – 3

Junk Vehicle – 3

Total- 63

Citations – 0

FISCAL IMPACT:

RECOMMENDATION: None

ATTACHMENTS:

Staff Summary

09/19/2022

Agenda Item # F.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council
FROM: David Derragon Assistant City Manager
SUBJECT: **Motion to Approve 2022 Fall Clean Up Program**

BACKGROUND:

This item proposes a Storm Lake Proud fall clean up on October 8, 2022, from 8:00 AM to 3:00 PM.

For this event, it is preferred that no advance tickets are sold for drop off of materials, but each load will be charged a fee of \$5.00. Loads with special handling will be charged an additional \$5.00 as well. With your approval, it is proposed that all fees would be given to Upper Des Moines as the community prepares for the needs of residents as winter approaches.

Collection of waste will follow the same protocol as in previous clean up event. A Press Release will be issued on September 20, 2022 to notify the public of the event. Other media platforms will also be used to get the word out on the event.

Holding this event achieves our desire for beautification in the community and furthers our support for Upper Des Moines for those in our community needing assistance.

FISCAL IMPACT: Labor Cost to hold event

RECOMMENDATION: Approve holding the 2022 Storm Lake Proud fall clean up on October 8, 2022 with proceeds directed to Upper Des Moines

ATTACHMENTS:

Staff Summary

09/19/2022

Agenda Item # F.2.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: David Derragon Assistant City Manager

SUBJECT: Resolution No. 15-R-2022-2023 Approving Final Completion,
Change Order No. 2, and Final Payment of the 2021 CIPP Sanitary
Sewer Improvements Project

BACKGROUND:

Nine NRDC-HUD funded projects have been approved which reduce sewer backups in homes and avoid the release of untreated wastewater into the environment. This sewer lining and manhole rehabilitation effort is the final project pursued within the grant funding. Improvements of sanitary sewer mains in the vicinity of the previous 7th and Geneseo project as well as the Violet/Tulip/Rose Lane neighborhood have been accomplished. The public infrastructure improvements entailed CIPP lining of existing 8” mains and associated manhole rehabilitation within the improvement areas.

Construction was deemed complete February 23, 2022. The Contractor only recently provided the requisite documentation to satisfy the grant administration requirements.

Construction generally proceeded as planned and with some changes from the construction documents. Change Order 2 includes general quantity reconciliation items and a contractual time extension associated with the Engineer’s review of the constructed improvements. The quantities most attributed to the cost decrease were the removal of three manholes subject to rehabilitation, resultant of conditions discovered through the course of construction. The time extension is attributed to conditions outside of the contractor’s control. Specifically, there was additional coordination required with both DOT and City operation activities and the discovery of buried manholes which required additional evaluation. These items collectively delayed the Contractor’s progress.

At the time of the bid letting, the Engineer’s Opinion of Probable Cost was \$371,769.35.

FISCAL IMPACT:

The value of the contract with Hydro-Klean, LLC is \$376,907.35 with 1 previous change order. This change order will result in a \$19,417.75 decrease to the contract, for a final contract value of \$357,489.60.

RECOMMENDATION:

Approve Resolution No. 15-R-2022-2023 Approving Final Completion, Change Order No. 2, and Final Payment of \$9,022.85.

ATTACHMENTS:

[P11.122266_Change Order No. 2.pdf](#)

[Resolution No. 15-R-2022-2023 - Change Order No. 2 - 2021 CIPP Project - 9-19-2022.pdf](#)

[09192022 - P11.122266 - 2021 CIPP Sanitary Sewer Improvements Final Certificate of Substantial Completion.pdf](#)

CHANGE ORDER NO.: 2

Owner: City of Storm Lake, Iowa Owner's Project No.:
 Engineer: Bolton & Menk, Inc. Engineer's Project No.: P11.122266
 Contractor: Hydro-Klean, LLC Contractor's Project No.:
 Project: 2021 CIPP Sanitary Sewer Improvements
 Contract Name:
 Date Issued: February 23, 2022 Effective Date of Change Order: March 7, 2022

The Contract is modified as follows upon execution of this Change Order:

Description:

- 1) Reconciliation of as completed quantities to adjust contract amount

Attachments:

Insert A – Final Quantity Adjustments

Change in Contract Price	Change in Contract Times
Original Contract Price:	Original Contract Times:
\$ 371,769.35	Substantial Completion: 7/16/2021
	Ready for final payment: 7/30/2021
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 1:	[Increase] [Decrease] from previously approved Change Orders No.1 to No. 1:
\$ 5,138.00	Substantial Completion: 2 days
	Ready for final payment: 2 days
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ 376,907.35	Substantial Completion: 7/19/2021
	Ready for final payment: 8/2/2021
[Increase] [Decrease] this Change Order:	[Increase] [Decrease] this Change Order:
\$ -19,417.75	Substantial Completion: 22 days
	Ready for final payment: 217 days
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ 357,489.60	Substantial Completion: 8/10/2021
	Ready for final payment: 3/7/2022

Recommended by Engineer (if required)

By:

Title:

Date:

DocuSigned by:
7367BB09A51D4F7...

Project Manager

March 3, 2022

Authorized by Owner

By:

Title:

Date:

Mayor

Accepted by Contractor

DocuSigned by:
28AEE009A3D74BB...

CFO

March 3, 2022

Approved by Funding Agency (if applicable)

Change Order No. 2**Insert A - Final Quantity Adjustments**

2021 - CIPP Sanitary Sewer Improvements

Storm Lake, IA

BMI PROJECT NO.PA11.122266

ITEM NO.	ITEM	UNIT PRICE	ORIGINAL CONTRACT		AS PER CHANGE ORDER NO. 1		AS CONSTRUCTED		DIFFERENCE	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION	\$16,148.00	1 LS	\$16,148.00	1 LS	\$16,148.00	1.00 LS	\$16,148.00	0.00	\$0.00
2	TRAFFIC CONTROL	\$2,300.00	1 LS	\$2,300.00	1 LS	\$2,300.00	1.00 LS	\$2,300.00	0.00	\$0.00
3	8" CIPP (CURED-IN-PLACE-PIPE) LINING	\$20.00	12174 CY	\$243,480.00	12174 CY	\$243,480.00	12,155.00 CY	\$243,100.00	-19.00	(\$380.00)
4	REINSTATE LATERAL (ANY SIZE)	\$50.00	280 SY	\$14,000.00	280 SY	\$14,000.00	232.00 SY	\$11,600.00	-48.00	(\$2,400.00)
5	TRIM PROTRUDING TAP (IRON/NON-IRON)	\$200.00	20 SY	\$4,000.00	20 SY	\$4,000.00	18.00 SY	\$3,600.00	-2.00	(\$400.00)
6	LATERAL GROUTING	\$472.50	20 EA	\$9,450.00	20 EA	\$9,450.00	11.00 EA	\$5,197.50	-9.00	(\$4,252.50)
7	MANHOLE REHABILITATION	\$151.70	415.5 LS	\$63,031.35	415.5 LS	\$63,031.35	383.00 LS	\$58,101.10	-32.50	(\$4,930.25)
8	INTERNAL CHIMNEY SEALS	\$440.00	44 LF	\$19,360.00	44 LF	\$19,360.00	34.00 LF	\$14,960.00	-10.00	(\$4,400.00)
CO1	SHORTLINER	\$2,569.00	0 CY	\$0.00	2 CY	\$5,138.00	2.00 CY	\$5,138.00	0.00	\$0.00
CO2	ADDITIONAL 24" SEWER CLEANING	-\$2,655.00	0 LS	\$0.00	0 LS	\$0.00	1.00 LS	-\$2,655.00	1.00	(\$2,655.00)
	TOTAL AMOUNT:			\$371,769.35		\$376,907.35		\$357,489.60		(\$19,417.75)



Jet Vac Cleaning Sewer Televising Manhole Rehabilitation

1250 South 2nd Street P.O. Box 538 Cherokee, IA 51012

Phone: 712-225-4362 Fax: 712-225-2125

rehabsystems@ncn.net

July 9, 2021

City of Storm Lake
Attn: Jorge Tarin
PO Box 1086
Storm Lake, IA 50588

Billing for cleaning concrete debris out of 24" lines on Expansion Blvd is as follows:

9 hours	@	\$295.00/hr-----	<u>\$2,655.00</u>
		Total Due-----	\$2,655.00

Thank you for the opportunity to work with the City of Storm Lake once again.

Yours very truly,
REHAB SYSTEMS, INC.

Mitch Knippel
General Manager

MK/kl

RESOLUTION NO. 15-R-2022-2023

**RESOLUTION ADOPTING CHANGE ORDER NO. 2 FOR THE
2021 CIPP SANITARY SEWER IMPROVEMENTS PROJECT, FINAL PAYMENT
AND PROJECT CLOSE OUT**

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the Radio Park Lift Station Project; and

WHEREAS, notice of hearing on plans, specifications, form of contract and estimate of cost for said public improvements was published as required by law; and

WHEREAS, a contract in the amount of \$371,769.35 was awarded to Hydro Klean for the project; and

WHEREAS, on July 6, 2022 Change Order No. 1 to the contract was approved for an increase of \$5,138.00 to the contract for a total contract amount of \$376,907.35 and an additional two (2) days.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA;

Section 1. To approve Change Order No. 2 to the contract for quantity reconciliation of items and a decrease of \$19,417.75 to the contract, for a final contract amount of \$357,489.60, with a final payment of \$9,022.85.

Section 2. That the Mayor and Clerk are hereby directed to execute this Change Order No. 2.

PASSED AND APPROVED this 19th day of September, 2022.

Michael Porsch, Mayor

ATTEST:

Nelda Kirkholm, Deputy City Clerk

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:	City of Storm Lake	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project No.:	P11.122266
Contractor:	Hydro Klean, LLC	Contractor's Project No.:	
Project:	2021 CIPP Sanitary Sewer Improvements		
Contract Name:			

This ☐ Preliminary ☒ Final Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

Date of Substantial Completion: **February 23, 2022**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work must be as provided in the Contract, except as amended as follows:

Amendments to Owner's Responsibilities: ☒ None ☐ As follows:

Amendments to Contractor's Responsibilities: ☒ None ☐ As follows:

The following documents are attached to and made a part of this Certificate:

Punch List Dated 02/23/2022

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

Engineer

By (signature):

DocuSigned by:



7367BB09A51D4F7...

Name (printed):

Joshua Pope, P.E.

Title:

City Infrastructure Engineer



Real People. Real Solutions.

218 11th Street SW Plaza
Spencer, IA 51301Ph: [712] 580-5075
Bolton-Menk.com

PUNCH LIST

Owner: City of Storm Lake **Date of Current Issue:** 02/23/2022

Project: 2021 CIPP Sanitary Sewer Improvements **Date of Original Issue:** 8/25/21

Owner Project No.: _____ **Comp. Date:** **Substantial** 7/16/21 **Final** 7/30/21

Contractor: Municipal Pipe Tool **BMI Project No.:** P11.122266

Date(s) of Inspection(s): 8/23/21; 11/3/2021; 1/31/22

Below is a partial list of items, which must be completed or corrected prior to final acceptance of the subject project. This list may not be final, additional items may be added at a later date.

Item No.	Contract Reference	Item Description	Current Status	Accepted	
				By	Date
1	8-25 to 8-26	Need to provide post-lining video	Done	JDL	11/01/21
2	8-14 to 8-13	No post Lining video provided – please provide	Done	JDL	11/01/21
3	8-14 to 8-13	House 600 Otsego (west side) service blocked - Verify tap was reinstated	Done	JDL	08/27/21
4	8-8 to 8-7	Damage to liner - Contractor to correct liner to ensure structural integrity and water tightness - 133 feet from 8-8 to 8-7(see pic at end)	Completed	JDL	1/31/22
5	Segment 8-27 to 8-25	Was the single service to grout completed -not included in the information provided to us	Not Required	JDL	2/3/22
6	MH 12-16	Intrusion and seeping - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21
7	MH 12-17	Intrusion and seeping - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21

P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 1



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Spencer, IA 51301Ph: (712) 580-5075
Bolton-Menk.com**PUNCH LIST**Owner: Storm Lake, IA
Project: 2021 Sanitary Sewer Improvements
Project No.: P11.122266

Item	Contract	Item Description	Current Status	Accepted	
8	MH 12-19	Patchwork and seeping - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21
9	MH 12-21	Intrusion and seeping - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21
10	MH 12-23	Loose debris at doghouse - Respray/Reapply material at invert to seal properly - See attached photo	Good	JDL	11/3/21
11	MH 8-3	possible water intrusion near outlet on shelf - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21
12	MH 8-8	concrete not fully around doghouse and shelf - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21
13	MH 8-9	damage to liner near at shelf and invert pipe - Contractor needs to prep and re-apply coating to eliminate infiltration - See attached photo	Good	JDL	11/3/21
14	MH 8-14	discoloration in concrete liner - May be due to moisture coming in the top of the structure. Check the chimney seal and or cover for leakage points - See attached photo	Good	JDL	11/3/21
15	MH 8-15	concrete not fully around doghouse and shelf - Contractor needs to prep and re-apply coating to eliminate infiltration and clean up the appearance - See attached photo	Good	JDL	11/3/21
16	MH 8-17	water intrusion and damaged area - Contractor should coat over top and seal previous pipe connection - Check the chimney seal and or cover for leakage points - See attached photo	Good	JDL	11/3/21


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& MENK**

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Spencer, IA 51301

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PUNCH LIST

 Owner: Storm Lake, IA
Project: 2021 Sanitary Sewer Improvements
Project No.: P11.122266

Item	Contract	Item Description	Current Status	Accepted	
17	MH 8-21	water intrusion from lid - Check the chimney seal and or cover for leakage points - See attached photo	Good	JDL	11/3/21
18	MH 8-23	small pipe penetration not sealed, larger pipe partially filled - seal around small pipe to prevent infiltration; confirm larger pipe abandoned or in use and address accordingly - See attached photo	Good	JDL	11/3/21
19	MH 8-24d	Doghouses and shelf chipping and incomplete - Contractor needs to coat the invert properly - See attached photo	Good	JDL	11/3/21
20	MH 8-25	loose concrete around doghouses - Contractor to touch up invert with rehab material - See attached photo	Good	JDL	11/3/21
21	MH 8-26	loose concrete around doghouses - Contractor to touch up invert with rehab material. - See attached photo	Good	JDL	11/3/21
22	MH	Chimney Seals - Contractor was going to select 4 or 5 manholes to apply Flexseal 2.0 product as a test/sample lot - Provide Manhole numbers for structures used with this product	Did not use 2 nd product.	JDL	2/3/22



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PUNCH LIST

Owner: Storm Lake, IA

Project: 2021 Sanitary Sewer Improvements

Project No.: P11.122266

MH 12-16 – GOOD



MH 12-17 – GOOD



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 4



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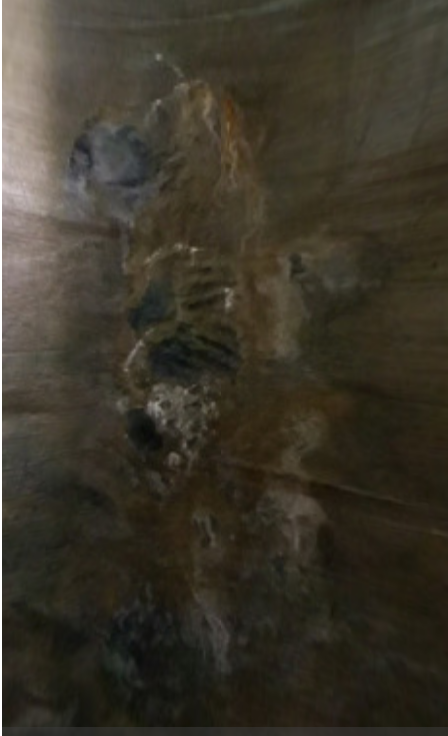
PUNCH LIST

Owner: Storm Lake, IA

Project: 2021 Sanitary Sewer Improvements

Project No.: P11.122266

MH 12-19 – GOOD



MH 12-21 – GOOD



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 5



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PUNCH LIST

Owner: Storm Lake, IA
Project: 2021 Sanitary Sewer Improvements
Project No.: P11.122266

MH 12-23 – GOOD



MH 8-3 – GOOD



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 6



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PUNCH LIST

Owner: Storm Lake, IA
Project: 2021 Sanitary Sewer Improvements
Project No.: P11.122266

MH 8-8 – GOOD



MH 8-9 – GOOD



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 7



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PUNCH LIST

Owner: Storm Lake, IA

Project: 2021 Sanitary Sewer Improvements

Project No.: P11.122266

MH 8-14 – GOOD



MH 8-15 – GOOD



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 8



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PUNCH LIST

Owner: Storm Lake, IA

Project: 2021 Sanitary Sewer Improvements

Project No.: P11.122266

MH 8-17 – **GOOD**



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 9



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PUNCH LIST

Owner: Storm Lake, IA

Project: 2021 Sanitary Sewer Improvements

Project No.: P11.122266

MH 8-21 – **GOOD**



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 10



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PUNCH LIST

Owner: Storm Lake, IA
Project: 2021 Sanitary Sewer Improvements
Project No.: P11.122266

MH 8-23 – **GOOD**



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 11



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PUNCH LIST

Owner: Storm Lake, IA

Project: 2021 Sanitary Sewer Improvements

Project No.: P11.122266

MH 8-24d – GOOD



MH 8-25 – GOOD



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 12



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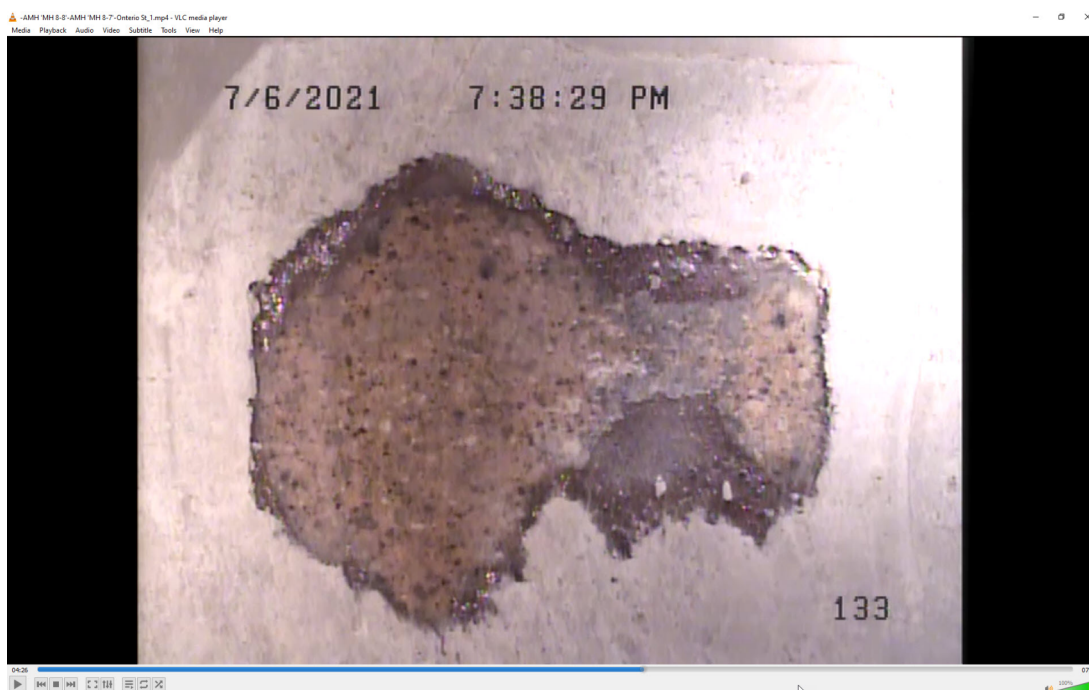
PUNCH LIST

Owner: Storm Lake, IA
Project: 2021 Sanitary Sewer Improvements
Project No.: P11.122266

MH 8-26 – **GOOD**



Segment 8-8 to 8-7 with damaged location at 133 feet from MH 8-8 (video screenshot)



P11.122266 – Storm Lake
2021 Sanitary Sewer Imp

Punch List
Page 13

Staff Summary

09/19/2022

Agenda Item # F.3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil City Manager

SUBJECT: **Resolution No. 16-R-2022-2023 Approving Amendment No. 3 to Agreement with Bolton and Menk, Inc. for Engineering Services Related to a FEMA BRIC and HMA Grant Application 2022.**

BACKGROUND:

A potential source of project funding has been identified for potential Water and Wastewater Projects.

Building Resilient Infrastructure and Communities (BRIC) will support states, local communities, tribes and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards. BRIC is a new FEMA pre-disaster hazard mitigation program that replaces the existing Pre-Disaster Mitigation (PDM) program.

The BRIC program guiding principles are supporting communities through capability and capacity-building; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency.

At the Council meeting on December 6, 2021, an amendment to the agreement with Bolton and Menk, Inc. was approved for performing professional services for engineering for the FEMA BRIC grant funding opportunity.

At the Council meeting on March 7, 2022, an amendment to the agreement with Bolton and Menk, Inc. was approved to include FEMA

HMA funding.

Now, the third amendment is before you for this agreement.

FISCAL IMPACT: Increase of \$55,487 engineering services

RECOMMENDATION: Approve Resolution No. 16-R-2022-2023 approving Amendment No. 3 to the agreement with Bolton and Menk for Engineering Services for the Building Resilient Infrastructure and Communities and HMA FEMA funding opportunity

ATTACHMENTS:

[2022-09-19 FEMA HMA Amendment 3.pdf](#)

[1620222023 - Amendment No 3 to Engineering Agreement FEMA BRIC 2022 9.6.2022.pdf](#)

**CITY OF STORM LAKE, IOWA AND BOLTON & MENK, INC.
AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES**

AMENDMENT NO: 3 – FEMA HMA Projects

CLIENT: City of Storm Lake, Iowa

CONSULTANT: Bolton & Menk, Inc.

DATE OF THIS AMENDMENT: September 19, 2022

DATE OF MASTER AGREEMENT FOR PROFESSIONAL SERVICES: August 2, 2021

Whereas, CLIENT and CONSULTANT entered into a Master Agreement for Professional Services (“Master Agreement”) as dated above; and CONSULTANT agrees to perform and complete the following Services for CLIENT in accordance with this Amendment and the terms and conditions of the Master Agreement. CLIENT and CONSULTANT agree as follows:

1.0 Scope of Services:

CONSULTANT shall perform the Services listed within Exhibit A of the Master Agreement related to the revised scope listed below. Services are associated with the preparation and resubmission of the HMA 21 Projects as part of a new BRIC 22 Projects application. All terms and conditions of the Master Agreement are incorporated by reference in this Amendment, except as explicitly modified in writing herein.

The following project categories identified with Amendment 2 are unchanged:

- BRIC 22 (HMA 21) Projects
 - Water Supply Projects (Wells Only)
 - Water Supply Projects (Raw Watermain)
 - Water Reclamation/Reuse Projects
 - Water Distribution Projects
- HMA 22 Projects
 - Lift Station Improvements Projects

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The anticipated construction cost of all projects resultant of the revised scope is summarized below:

PROJECT CATEGORY	Estimated Construction Cost as of Amendment 3	Estimated Construction Cost as of Amendment 2
BRIC 22 (HMA 21) Projects		
Water Supply Projects (Wells Only) ¹	\$11,650,300	\$14,004,000
Water Supply Projects (Raw Watermain)	\$2,729,400	\$2,394,190
Water Reclamation/Reuse Projects	\$9,200,300	\$9,115,000
Water Distribution Projects ²	\$34,733,500	\$30,022,950
HMA 22 Projects		
Lift Station Improvements Projects ³	\$3,113,000	\$3,113,000
TOTALS	\$61,426,500	\$58,649,140

1. Water Supply Project as presented within Amendment 3 include: Tower 4 Shallow Well, Current Well 20 Jordan Well, Current Tower 4 Jordan Well, Current Well 19 Generator.

2. Water Distribution Projects as presented within Amendments 1-3 include: 18" watermain improvements and general watermain replacement improvements.

3. Lift Station Improvements Projects as presented within Amendments 2-3 include: Scout Park and Icehouse lift station improvements

2.0 Fees:

Due to a change in the aforementioned scope, including a change in individual project elements and a change in size and quantity of various elements, the estimated costs for the individual elements BRIC 22 (HMA 21) have changed, thereby impacting professional services for preapplication and design and construction engineering as follows:

CLIENT shall pay CONSULTANT in accordance with Section 3 of the Master Agreement and as follows. The fees shall be not to exceed the amounts presented.

TASK	DESCRIPTION	Amendment No. 3	Total Cost
1	Pre-Application Services	\$55,487	\$184,955
2	Design Engineering and Bidding Services	\$252,405	\$3,885,464
3	Construction Engineering Services	\$267,557	\$4,434,848
TOTALS		\$575,449	\$8,505,267

Each task as identified in the preceding fee table above shall be subject to independent authorization from the CLIENT before any work or costs may be incurred on that specific task.

3.0 Deliverables

Deliverables are unchanged from the Master Agreement.

4.0 Term

In the event that the Schedule for this Amendment extends beyond the term of the Master Agreement, either intentionally or unintentionally by Amendment Scope or by Amendment extension, then this Amendment shall operate to extend the Master Agreement through the completion of CONSULTANT'S

obligations under this Amendment or until a new Amendment is executed incorporating this Amendment.

5.0 Other Matters

All terms and conditions of the Master Agreement are incorporated by reference in the Amendment, except as explicitly modified in writing herein. CONSULTANT will perform its services in compliance with the attached Exhibit C.

CITY OF STORM LAKE, IOWA

BOLTON & MENK, INC.

By: _____

By: _____

Printed Name: Michael Porsch

Printed Name: Wesley W. Brown, P.E.

Title: Mayor

Title: Principal-in-Charge

ATTACHMENTS TO THIS TASK ORDER:

Exhibit C – Appendix to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

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EXHIBIT C
APPENDIX II TO PART 200 –
CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS
UNDER FEDERAL AWARDS

FEMA HMA PROJECTS

CITY OF STORM LAKE, IOWA

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. * Not applicable for FEMA funded projects.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grants or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

RESOLUTION NO. 16-R-2022-2023

**A RESOLUTION APPROVING AMENDMENT NO 3 TO AN AGREEMENT WITH
BOLTON & MENK, INC. FOR ENGINEERING SERVICES RELATED
TO A FEMA BRIC APPLICATION 2022**

WHEREAS, the City of Storm Lake has entered into a engineering agreement dated August 2, 2021 for assistance in developing an application for a FEMA BRIC project 2021, and,

WHEREAS, the City and Bolton & Menk, Inc. have twice before amended their agreement, and

WHEREAS, the City was not successful in the national FEMA BRIC process in 2021 for a drought mitigation project; and,

WHEREAS, the City desires to make a second application for a drought mitigation project in the 2022 FEMA BRIC Application program; and,

WHEREAS, the City desires to have professional assistance in the process of updating engineering drawings, details, and cost estimates for the application, and if awarded, engineering services for design and construction management and has selected, following a competitive process the firm of Bolton & Benk, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

SECTION 1. The City Council hereby approves the proposed Amendment No. 3 to the August 2, 2021, development agreement.

SECTION 2. The City Council hereby authorizes the Mayor to sign Amendment No. 3.

PASSED AND APPROVED this 19TH day of SEPTEMBER 2022.

BY THE CITY COUNCIL OF THE
CITY OF STORM LAKE

Michael Porsch, Mayor

ATTEST:

Nelda Kirkholm, Deputy City Clerk

Staff Summary

09/19/2022

Agenda Item # F.4.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: City Council Requested Items

BACKGROUND:

FISCAL IMPACT:

RECOMMENDATION: October 3, 2022 - Discuss allowing pets at public events
October 17, 2022 - Campground Operations Review
To Be Determined - Golf Cart Use on City Streets

ATTACHMENTS: